

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROSCOE FRANKLIN

Plaintiff,

v.

G E FINANCIAL ASSURANCE
COMPANY

Defendant.

NO. 02-CV-3359

STIPULATION TO STAY SUMMARY JUDGMENT MOTION

Counsel hereby stipulate as follows:

1. Defendant filed a Motion for Summary Judgment on February 19, 2003.
2. Due to outstanding discovery matters material to the determination of the summary judgment motion, the Parties agreed to stay the Summary Judgment Motion pending the completion of discovery by stipulation dated March 7, 2003.
3. Plaintiff is still seeking the deposition of Progeny Market Innovations, the contractor who administered the plaintiff's policy for defendant, and the defendant does not object to the deposition.
4. Accordingly, the plaintiff served Progeny with a subpoena compelling attendance for a deposition on June 20, 2003.
5. Plaintiffs have not yet received a response from Progeny, but expect that Progeny will comply with the subpoena.

6. Therefore, the parties agree, subject to the Court's approval, that the plaintiff's deadline to respond to the Motion shall be stayed until 20 days after the above described deposition is completed.

7. If the deposition needs to be rescheduled it will be rescheduled for a date on or before June 30, 2003.

Dated: June 10, 2003

ROBERT J. SUGARMAN
CARL W. EWALD
Counsel for Plaintiff

SUGARMAN & ASSOCIATES
11th Floor, Robert Morris Building
100 North 17th Street
Philadelphia, PA 19103
(215) 864-2500

Dated: June 10, 2003

Heather E. Rennie
Eric M. Fink
Attorney for Defendant

ECKERT, SEAMANS, CHERIN,
& MELLOTT, LLC
1515 Market Street, Ninth Floor
Philadelphia, PA 19102
(215) 851-8400

APPROVED BY THE COURT:

June _____, 2003

, J.